



U.S. GOVERNMENT FACIAL RECOGNITION

LEGAL SERIES – FORUM 4

sponsored by the FBI Biometric Center of Excellence in
conjunction with the National Institute of Justice





Challenge

2 Competing Interests:

Public Safety

vs.

**Privacy, Civil Liberties,
and Other Societal Considerations**





Potential Solution

**Development of informed,
well-reasoned law and policy**





A 2-Pronged Approach to Vetting FRT Applications

- (1) Is the application **legally permissible** and **socially acceptable**?
- (2) Is there a need for **reevaluation of current legal authorities** and/or **development of new authorities**?
- (3) Is there a need for **increased public awareness**?





A TWO-PRONGED APPROACH TO VETTING FRT APPLICATIONS

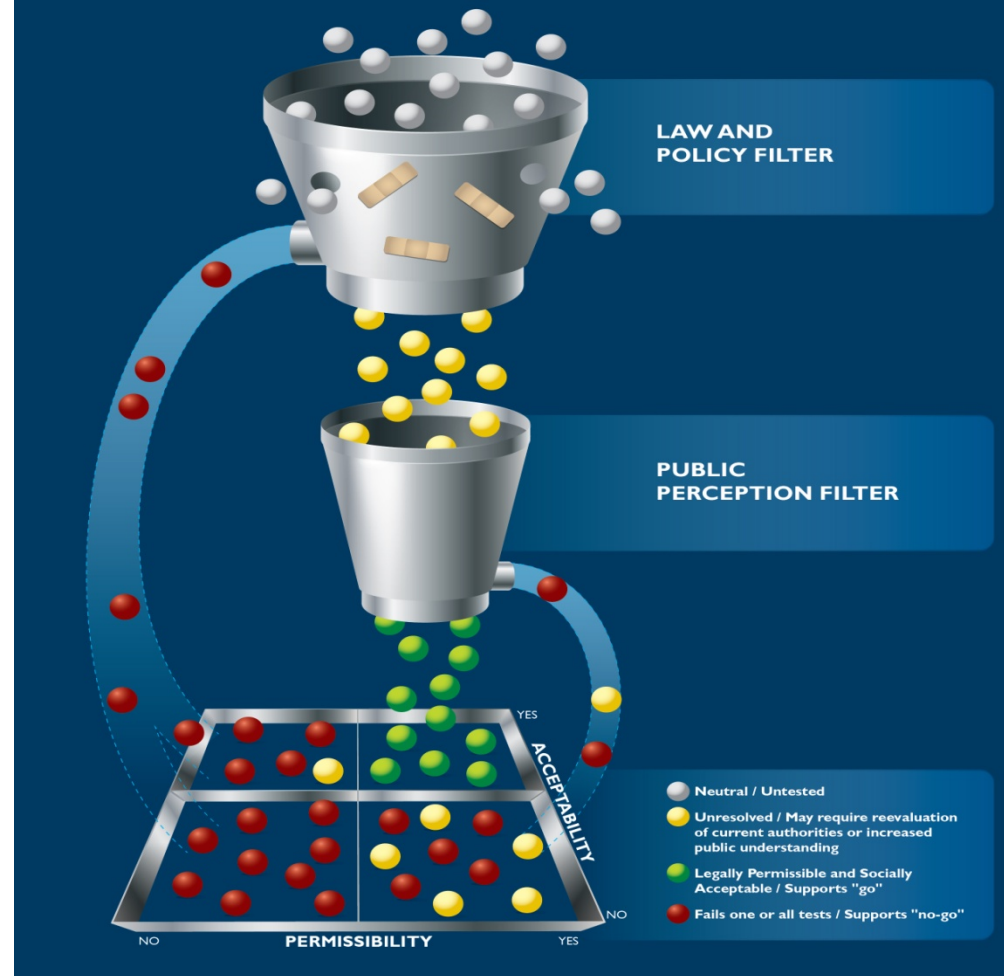




Illustration 1: Illegal or Against Policy and Low Public Acceptance: **No-Go**

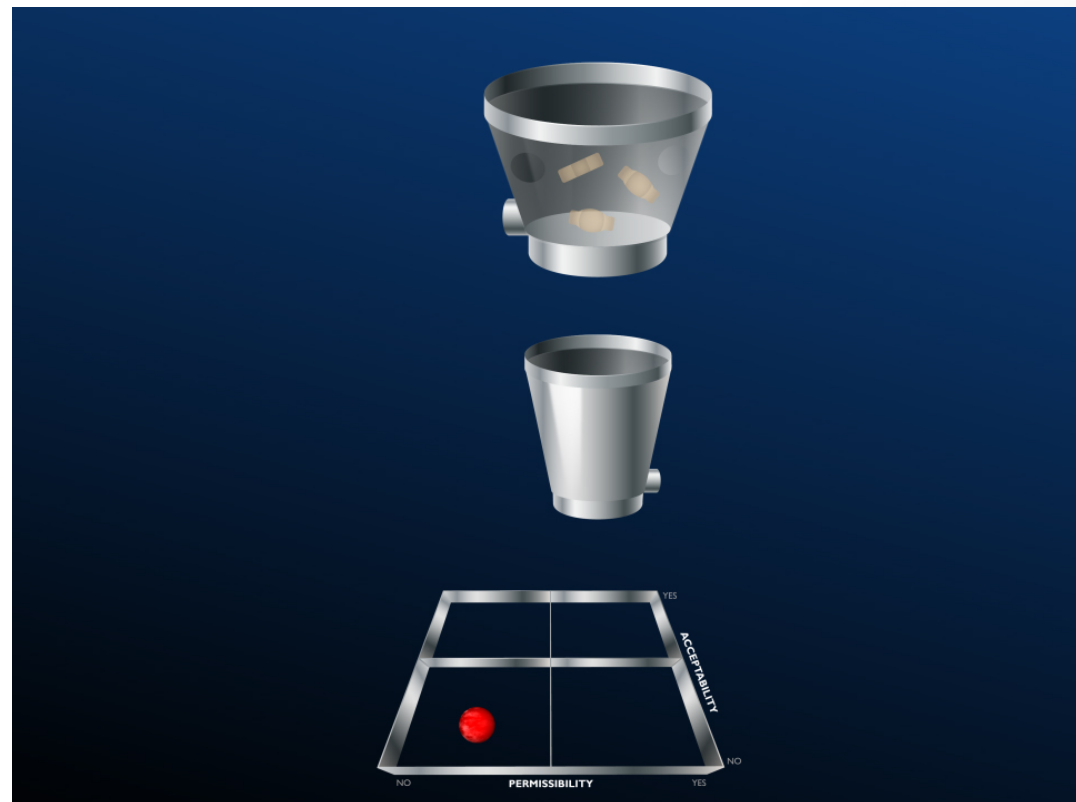




Illustration 2: Illegal or Against Policy and High Public Acceptance: **No-Go**





Illustration 3: Illegal or Against Policy and High Public Acceptance: **Reevaluate**





Illustration 4: Unaddressed by Law/Policy

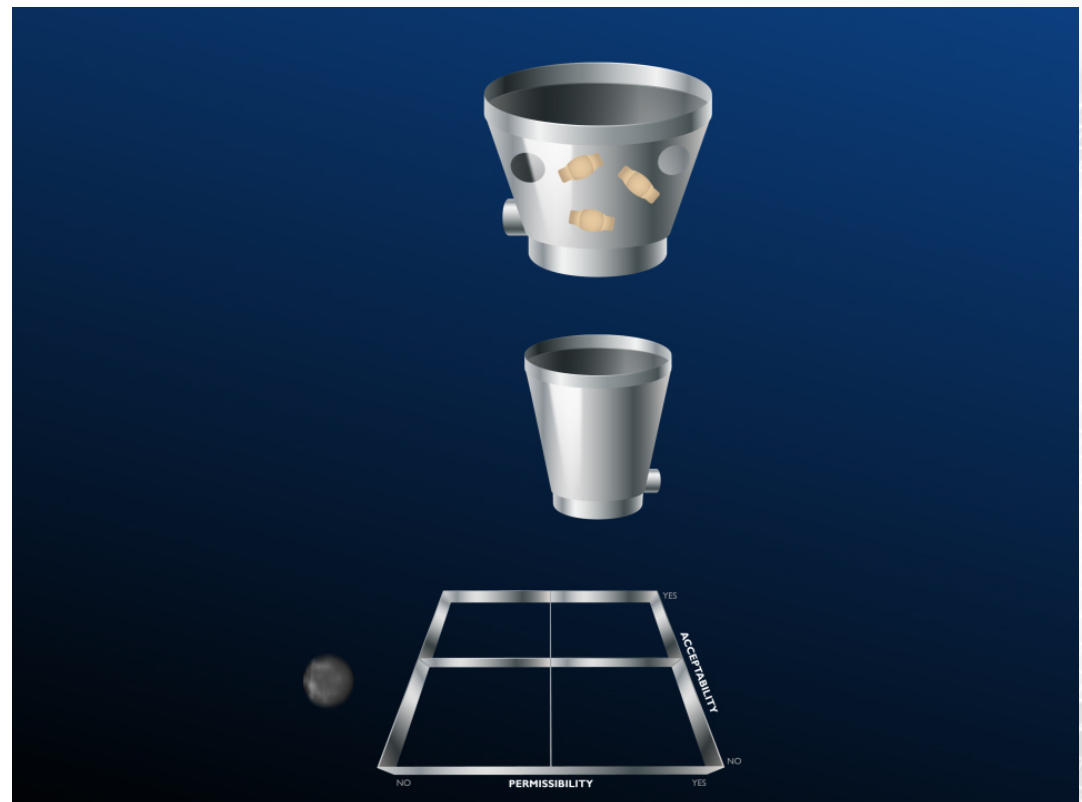




Illustration 5: Legally Permissible and **Low Public Acceptance: No-Go**

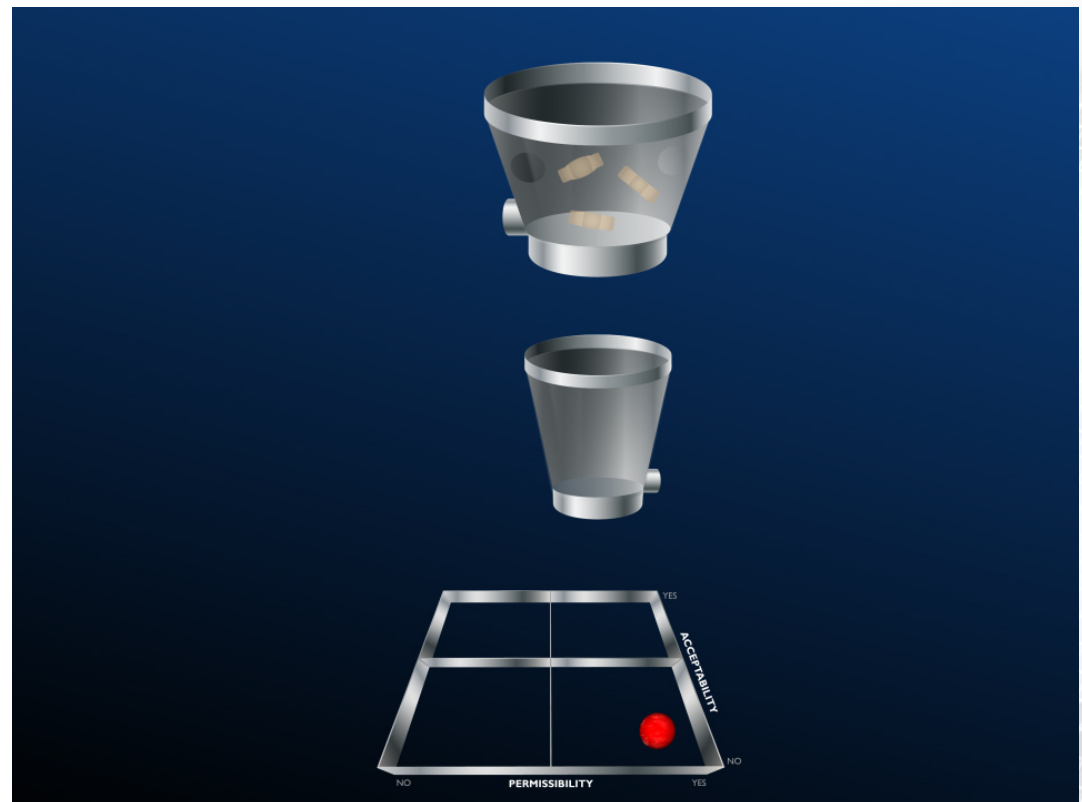




Illustration 6: Legally Permissible but Low Public Acceptance: Unresolved

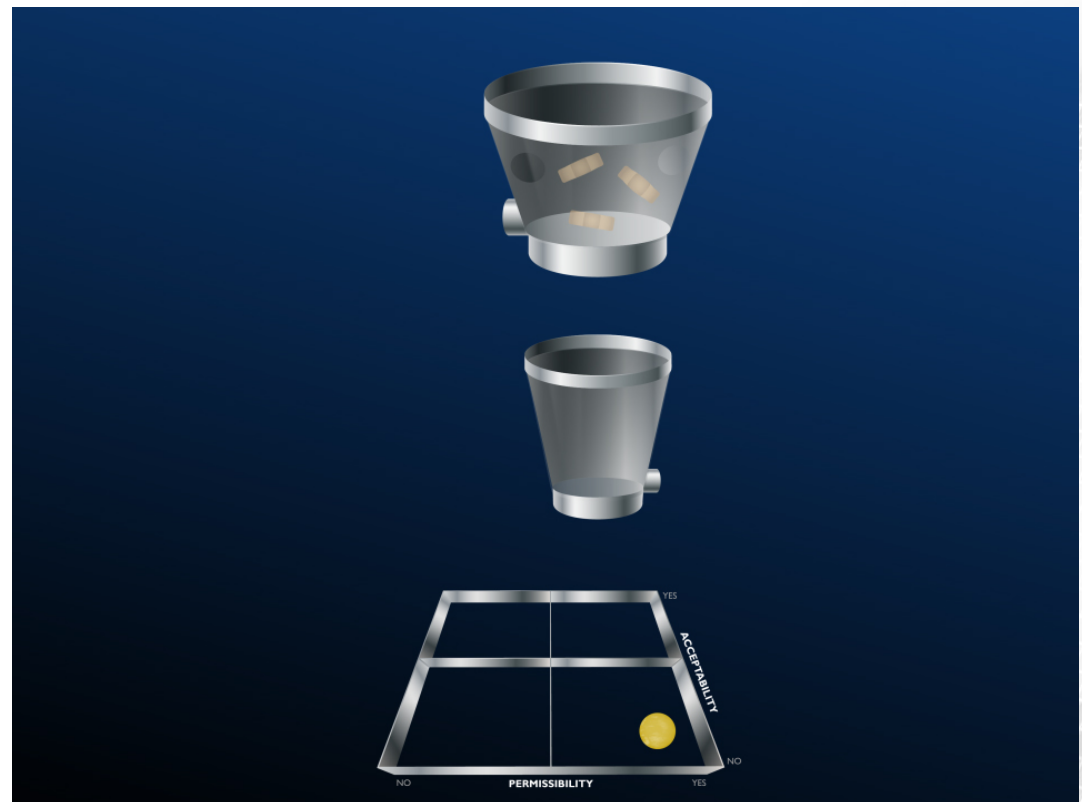
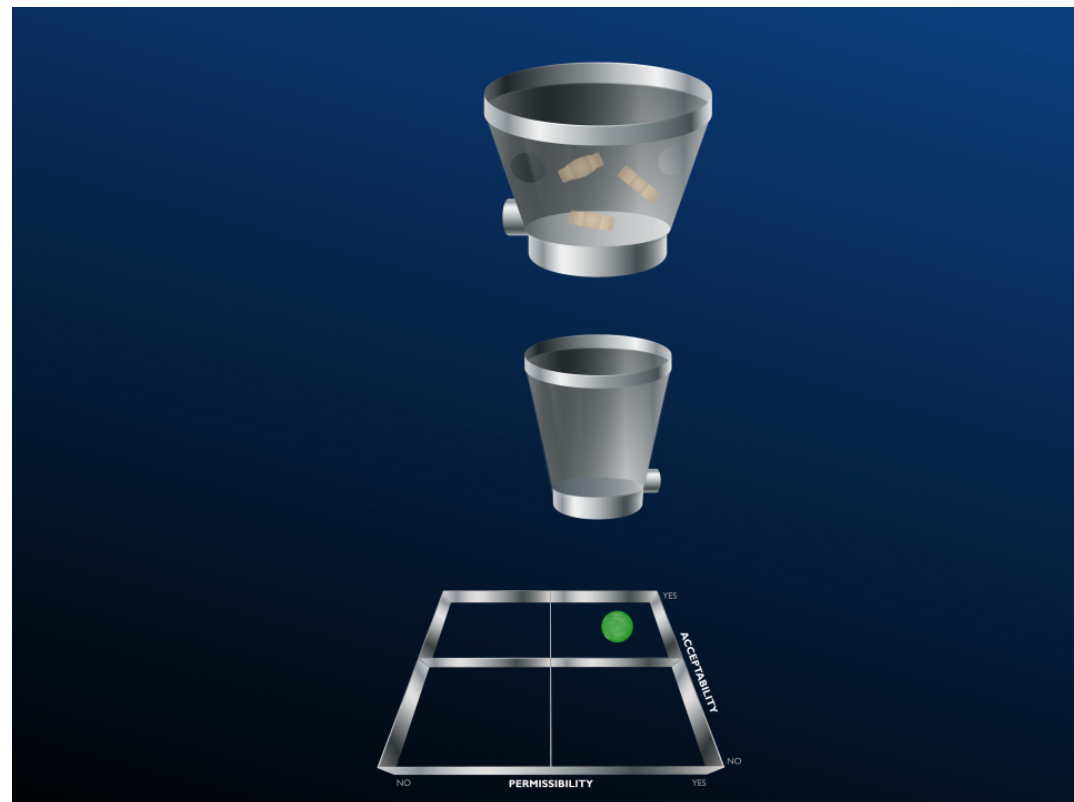




Illustration 7: Legally Permissible and Publicly Acceptable





Illustrations Summary

1. A FRT application will generally fall where it should in the matrix. But not always.
2. If an application falls into a quadrant that is inconsistent with practice or inclination, may be an opportunity to:
 - (a) **Develop or expand legal authorities, or**
 - (b) **Engage in public dialogue**





Critical Next Steps

- Develop policy





Critical Next Steps

- Develop policy
- Engage advocacy groups





Critical Next Steps

- Develop policy
- Engage advocacy groups
- Engage state and local law enforcement





Critical Next Steps

- Develop policy
- Engage advocacy groups
- Engage state and local law enforcement
- Engage international law enforcement and intelligence agencies





A Call to Action!

